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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,856	07/15/2003	Stefan Dessloch	SVL920020048US1/3793P	9144
45728	7550	04/13/2009		
IBM ST-SVL SAWYER LAW GROUP LLP 2465 E. Bayshore Road, Suite No. 406 PALO ALTO, CA 94303			EXAMINER COLAN, GIOVANNA B	
			ART UNIT	PAPER NUMBER
			2162	
			NOTIFICATION DATE	DELIVERY MODE
			04/13/2009 ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/620,856

**Applicant(s)**

DESSLOCH ET AL.

**Examiner**

GIOVANNA COLAN

**Art Unit**

2162

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☒ Applicant's reply has overcome the following rejection(s): 132(a) and 101 rejection.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 1-5-8-11-12-15-19-26-46 and 48-50  
 Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_

/John Breene/  
 Supervisory Patent Examiner, Art Unit 2162

Continuation of 11, does NOT place the application in condition for allowance because: 1. Applicant argues that; "Spencer does not disclose a first subclass, wherein an instance of the first subclass represents the atomic query element". Examiner respectfully disagrees. The combination of Spencer in view of Witkowski does disclose a first subclass, wherein an instance of the first subclass represents the atomic query element (Col. 3, lines 50 - 57, Spencer; and Fig. 5, item 521, Col. 11, lines 2 - 5, Witkowski).

2. Applicant argues that; "Spencer in view of Witkowski also does not teach or suggest that the combined query element comprises an iterative query language element". Examiner respectfully disagrees. The combination of Spencer in view of Witkowski does disclose a combined query element comprises an iterative query language element (Col. 11, lines 26 - 27, Witkowski discloses a method for recursively creating parent nodes (item 513 in Fig. 5 is a parent node and also corresponds to the second subclass in the superclass). This method, utilizing recursion, involves repetition, recurrence, and/or iteration. In addition, Witkowski also discloses a method for processing conjunctions, which would later be used in the predicate query tree of Fig. 5, including an iterative loop (Col. 8, lines 37 - 38); Witkowski).

3. Applicant argues that; "Spencer in view of Witkowski also does not teach or suggest 'wherein the instance of the abstract superclass represents a table reference, wherein the instance of the first subclass represents an unjoined table, and wherein the instance of the second subclass represents a joined table'". Examiner respectfully disagrees. The combination of Spencer in view of Witkowski does disclose the instance of the abstract superclass represents a table reference (Col. 11, lines 38 - 46, Witkowski); the instance of the first class represents an unjoined table (Fig. 5, item 521, Col. 10 and 11, lines 60 - 62 and 2 - 4; respectively, Witkowski); and the instance of the second class represents a joined table (Fig. 5, item 513, Col. 10, lines 34 - 35, joined by operator "OR", Witkowski).

4. Applicant argues that; "Spencer in view of Witkowski cannot teach or suggest 'indicating a relationship between the first subclass and the second subclass defined by the combined operator'". Examiner respectfully disagrees. The combination of Spencer in view of Witkowski does disclose: indicating a relationship between the first subclass and the second subclass defined by the combined operator (Col. 4, lines 58 - 64, Spencer; and Col. 12, lines 32 - 36, Witkowski).